



CWSF
COUNCIL OF WESTERN
STATE FORESTERS

Legislative & Policy Update – FY 2017 Appropriations June 22, 2016

The [Council of Western State Foresters \(CWSF\) Legislative & Policy Update](#) provides information on issues of importance to the CWSF. Policy and Legislative Updates are found on the CWSF webpage [here](#). Please note that the items highlighted in these updates are only a selection of the issues the CWSF and Western Forestry Leadership Coalition (WFLC) are monitoring. Keep an eye out for our monthly newsletter that will provide summaries on other key legislative and programmatic issues. If you have not yet subscribed, you can do so at bit.ly/CWSFnewsletter.

The CWSF Policy Director participates on a State Foresters Policy Team along with the policy staff from the National Association of State Foresters (NASF), the Northeastern Area Association of State Foresters (NAASF), and the Southern Group of State Foresters (SGSF). In addition, CWSF policy staff and the policy staff of the other state forester associations helps to support the NASF Legislative Committee; comprised of three state forester members, representing each of the regional associations.

For more information, please contact Kelsey Delaney, Policy Director, 303.893.0327, kdelaney@westernforesters.org.

Fiscal Year (FY) 2017 Appropriations Update on Interior, Environment and Related Agencies Spending Bills

Recently, both the House and Senate Appropriations Subcommittees on Interior, Environment, and Related Agencies (Interior Subcommittee) released their individual FY 2017 spending bills. These bills provide the House and the Senate funding recommendations for the USDA Forest Service (Forest Service), the Department of the Interior (DOI), Environmental Protection Agency (EPA) and other related agencies beginning October 1, 2016.

The House Interior Subcommittee held its markup in late May where the bill was quickly approved and advanced forward for consideration by the full House Appropriations Committee. Last week, the full Committee voted 31-18 to approve the spending bill. The next step in the appropriations process is for the Interior bill to be considered on the House floor. Further details on the [House Committee Draft](#) (Committee Draft) can be found below.

The Senate Interior Subcommittee released its FY 2017 spending bill in mid-June and advanced it through Subcommittee markup. Quickly following, the full Senate Appropriations Committee considered the bill ([S.3068](#)) and voted 16-14 to pass the bill from Committee. Similarly to the

House, the next step for the Senate on the Interior bill will be floor consideration. Further details on S.3068 can be found below.

CWSF/WFLC staff have updated the [WFLC Summary of the USDA Forest Budget](#) on the WFLC Issue Briefs webpage. Please note the table is not meant to include a comprehensive list of all Forest Service budget line items.

House Committee Draft

The FY 2017 House measure provides a top-line funding level of \$32.1 billion. The Forest Service would be funded at \$5.3 billion with more than half (approximately \$2.9 billion) appropriated to wildfire programs. The Committee Draft proposes to fully fund the 10-year average for wildfire suppression for the Forest Service and DOI. The bill does not offer an alternative budgeting structure to wildland fire suppression funding. Forest Service Research & Development would be funded at \$291.98 million, State & Private Forestry at \$244.04 million, National Forest Systems (NFS) at \$1.53 billion, and Capital Improvement and Maintenance at \$364.16 million.

Other items in the Committee Draft and corresponding Committee Report of interest to CWSF members:

- The Committee Draft proposes a new categorical exclusion of up to 3,000 acres for a forest management activity on NFS lands when the primary purpose is: (1) to address insect & disease infestations; (2) to reduce hazardous fuels loads; (3) to protect a municipal water source; (4) to maintain, enhance, or modify critical habitat to protect it from catastrophic disturbances; (5) to increase water yield; or (6) any combination of these purposes.
- The Committee Draft would prohibit EPA from implementing the Clean Power Plan rule and from making changes to the definition of 'navigable waters' under the Clean Water Act.
- The Committee Draft provides \$480 million for the Payment in Lieu of Taxes (PILT) program.
- The bill directs the EPA Administrator to base agency policies and actions regarding air emissions from forest biomass on the principle that forest biomass emissions do not increase overall carbon dioxide accumulations in the atmosphere so long as FIA data shows that U.S. forest carbon stocks are stable or increasing nationally, or when woody biomass is derived from mill residuals, harvest residuals or forest management activities.
- There is direction provided in the Committee Report that requires the Forest Service, DOI and EPA to submit detailed Equal Access to Justice Act fee information no later than 60 days following the date of bill enactment.
- During the full House Appropriations Committee markup, an amendment by Representative Simpson (R-ID) was added that directs the Bureau of Land Management to provide additional time for public comment on its proposed land management planning regulation.

The Committee Draft bill is found [here](#).

The accompanying Committee Report is found [here](#).

The House Appropriations Committee summary of the Interior bill is found [here](#).

Senate Interior Bill (S.3068)

The FY 2017 Senate Interior measure includes a top-line spending number of \$32.03 billion; this includes \$5.2 billion for the Forest Service. The Senate Interior bill deviates from the House's approach to wildfire suppression funding by proposing to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to allow for wildfire suppression costs exceeding 100 percent of the 10-year average to access additional funding via a disaster cap adjustment.

The Senate Interior bill would fund Forest Service Research & Development at \$280.00 million, State and Private Forestry at \$220.83 million, National Forest Systems at \$1.52 billion, Capital Improvement and Maintenance at \$355.67 million, and Wildland Fire Management at \$3.33 billion (see note below regarding Senator Tom Udall amendment related to wildfire funding).

Other items in the FY 2017 Senate Interior bill and corresponding Committee Report of interest to CWSF members:

- During the full Committee markup, an amendment by Senator Tom Udall (D-NM) was offered and approved; it would provide \$661 million in 'emergency funding' to the Forest Service and DOI once all appropriated wildfire suppression funds have been exhausted.
- The Senate Interior Bill prohibits the implementation of the EPA and U.S. Army Corps of Engineers 'Waters of the United States' rule.
- The Senate Interior Bill includes a provision relating to carbon emissions from forest biomass. Directs the EPA Administrator to determine that carbon emissions relating to the combustion of forest biomass from stationary sources do not require regulation, control, or action if the most recent annual assessment of forest and timberland carbon stocks (derived from FIA data) for a relevant region are stable or increasing; or if the forest biomass is derived from mill product manufacturing residuals, harvest residues, biowaste, or forest management activities that increase yield or maintain or enhance forest health.
- The Committee Report includes language encouraging cross-boundary collaboration by the Forest Service and DOI through the Hazardous Fuels Program with State Foresters and other private organization partners. The report language calls attention to using State Forest Action Plans to identify priority landscapes and to help prioritize projects.
- The Senate Interior Bill includes language that would allow for excess wildfire suppression funds that are not expended for that fiscal year to be used for certain wildfire risk reduction projects.
- The Senate Interior Bill would allow for environmental assessments and environmental impact statements pertaining to certain forest management activities developed by a specified collaborative process, under the Collaborative Forest Landscape Restoration Program, by a Resource Advisory Committee, or covered by a Community Wildfire Protection Plan to limit the number of alternatives to consider to the action/no-action alternatives.

- The bill amends the Good Neighbor Authority, section 417 of the Consolidated Appropriations Act of 2014, to allow for existing road repairment and reconstruction to perform authorized restoration services including the removal of timber.

The Senate Interior bill can be found [here](#).

The accompanying Committee Report can be found [here](#).

A summary of the Senate Interior bill can be found [here](#).